



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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7-25 July 1997

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN ON ITS SEVENTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Luxembourg

1. The Committee considered the initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and CEDAW/C/LUX/2) at its 338th, 339th and 344th meetings, on 9 and 11 July 1997.

2. The reports were introduced by the Director of the Ministry for the Advancement of Women, who thanked the Committee for considering the reports so soon after their submission. She informed the Committee that Luxembourg had recently assumed the Presidency of the Council of Ministers of the European Union and would put emphasis on the equality of women and men during its term, in particular in the context of the follow-up to the Fourth World Conference on Women and in the negotiations on the expansion of the European Union to include the countries of Central Europe as well as in a European Conference on organization of work.

3. In its "Action Plan 2000", the national action plan to implement the Beijing Platform for Action, the Government of Luxembourg had committed itself to the withdrawal of the two reservations to the Convention. The reservation to article 7, concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg to the oldest male descendant, might be removed in the near future, as the Sovereign had agreed, in principle, to a ministerial proposal to change article 3 of the National Constitution to that effect. Attempts to withdraw the reservation to Article 16 relating to choice of surname of children would meet with strong opposition, as the tradition whereby children took their father's surname was deeply rooted and long-standing.

4. The representative noted that difficulties had been encountered in attempts to enlist women under their own names on electoral lists and not, as has been the custom, under their husband's surname. The Act of 18 August 1995 had established full equality of women and men with regard to name on electoral lists.

5. The Committee was informed about the various steps being taken to establish a national machinery, as had been requested by the women's movement for over 30 years. Initially, a service within the Ministry of the Family and Solidarity had dealt with the advancement of women. In 1995, the creation of the Ministry for the Advancement of Women had given women and men the appropriate institutional mechanism, separate from family policy, to ensure equal rights and equal opportunities for both sexes.

6. The representative outlined the three priorities of action of the Ministry: mainstreaming of gender concerns; education, training and employment; and social policy. In the field of mainstreaming, the Action Plan 2000 described measures to be taken in the short, medium and long term. An effort had been made to mainstream gender concerns into education and training, sustainable development and development assistance to offer gender training to the civil service. The National Council of Luxembourg Women had initiated a major strategy on mainstreaming gender equality, notably by inviting local communities to designate focal points for the advancement of women and to set up commissions.

7. The representative pointed out that in the field of education, training and employment, the first step was to change mentalities among all members of society and that that should start at an early stage. Various partners at the community level were involved in combating sex-role stereotypes, including teachers' and parents' associations and non-governmental organizations. The second step was to promote gender equality in the workplace. Laws on sexual harassment and the designation of gender focal points in the private sector had been elaborated. The Government also intended to designate gender focal points in the civil service. Discrimination at the workplace persisted, however, with women earning only 70 per cent of the salary of their male counterparts.

8. Referring to social policy, the Director underlined that the major concern of her Ministry was guaranteed individual social insurance for all women. A successful campaign had been launched, targeting girls and young women aged from 12 to 21 years, to combat violence against women, offering information, shelter and counselling. She informed the Committee that Luxembourg would take the initiative, including at the European and international levels, to combat

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trafficking in and sexual exploitation of women. Specific measures with regard to housing, guidance and administration had been taken to integrate migrant women into the society.

9. The representative noted that equality between women and men was not yet a de facto reality in Luxembourg and that it was necessary to raise the awareness of men about their responsibilities. A change of mentality and behaviour was needed. That would be a long and complex process involving all actors in society.

Introduction

10. The Committee welcomed the first and second periodic reports of Luxembourg, which followed the Committee's guidelines and were comprehensive and very frank.

11. The Committee expressed its satisfaction for the excellent presentation of the representative by the Government of Luxembourg and noted that Luxembourg currently held the Presidency of the European Union. The Committee thanked the representative for her explanation of the historical and cultural context of the country and for the additional information provided in the replies to the questions of experts, in particular with regard to policy and the direction of the national action plan towards the implementation of the Convention.

Positive aspects

12. The Committee welcomed the separation of the Ministry for the Advancement of Women from the University of the Family and noted that the Ministry aimed to promote the mainstreaming of gender in all policies and programmes of the Government and local authorities and thereby recognizing gender as a fundamental dimension in all areas of private and public life.

13. The Committee noted with appreciation the preparation of the national action plan as a follow-up to the Fourth World Conference on Women at Beijing. It commended the action plan, which included, inter alia, the new governmental policy for cooperation with developing countries and the provision of funds for the advancement of women.

14. The Committee welcomed the programme of the Ministry for the Advancement of Women to disseminate the Convention widely and in particular noted its new publication for schools and training courses.

15. The Committee also welcomed the new measures to combat violence against women and the newly established facilities for young women victims of sexual violence.

16. The Committee further welcomed the permanent contact and consultations the Ministry for the Advancement of Women had established with non-governmental organizations, which had facilitated the elaboration of the Action Plan and equality policy in general.

Factors and difficulties impeding the implementation of the Convention

17. The Committee noted that the reservations made by the State party to articles 7 and 16 (g) impeded the full implementation of the provisions of the Convention. Although there had been attempts to remove the reservation to article 7, the Committee found it difficult to understand why greater efforts had not been made to address the reservation to article 16 (g).

18. The Committee expressed concern that a clear definition of the principle of equality between the sexes was not expressly enshrined in the Constitution. It noted that failure to include an express constitutional provision required legislative amendment on a case-by-case basis to ensure equality in each sector.

19. Insofar as implementation of article 11 of the Convention was concerned, the Committee noted with concern the persistence of discrimination, with the majority of women in part-time jobs and the evident disparities in treatment between the public and private sectors.

20. The Committee expressed concern at the lack of gender disaggregated statistical information in the fields of labour, health, prostitution and rural women. It noted that that impeded assessment of the progress in implementation of the Convention over time.

Principal areas of concern

21. The Committee expressed concern that although a constitutional review was currently under way, there was no information as to when the principle of equality would be discussed.

22. The Committee expressed its concern with the persistence of gender disparities, in particular in labour conditions, work evaluation and gender-based job insecurity and with regard to the evident discrimination women suffered in the private sector.

23. The Committee was concerned that the State party had not yet made use of article 4 of the Convention to ensure equitable participation of women in the conduct of public affairs and, generally, in the economic, social and cultural life of the country. Additionally, the Committee regretted that effective measures to overcome attitudes based on traditional roles, which hindered equality between men and women, had not yet been adopted.

24. The Committee noted with concern the high level of violence against women, in particular domestic violence, and regretted the delay of adoption of a law on sexual harassment.

25. The Committee was concerned at the existing national provisions concerning implementation of article 6 of the Convention and in particular, the lack of effective measures for the protection and rehabilitation of women prostitutes.

26. The Committee was also concerned by the lack of gender analysis of women's health needs, in particular in relation to their reproductive rights.

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27. The Committee was deeply concerned at the existing legislation on abortion, which penalized women. It noted that, at the same time, sufficient mechanisms to prevent abortion, including free distribution of contraceptives, were not in place.

28. The Committee was concerned at the relatively high number of women foreigners in Luxembourg and that inadequate steps had been taken to ensure that they were able to take advantage of the guarantees in the Convention.

29. The Committee expressed its concern in respect of restrictions on women in relation to remarriage after divorce.

Recommendations and suggestions

30. The Committee strongly suggests the introduction of steps towards the removal of the reservations to articles 7 and 16 (g) as promised in the oral presentation of the representative of the Government. The Committee encourages the Ministry for the Advancement of Women in efforts in this respect and requests the Government to keep it informed of developments on this matter.

31. The Committee urges that constitutional reforms include the incorporation of the principle of equality in the text of the Constitution.

32. The Committee suggests the introduction of temporary special measures to strengthen the participation of women in the political, economic and social life of the country.

33. In the light of recent achievements in some other countries of the European Union in the implementation of article 7 of the Convention, the Committee further recommends that the Government examine strategies to ensure the better representation of women in decision-making posts in all fields.

34. The Committee recommends that the Ministry for the Advancement of Women take the appropriate initiative for the adoption of measures aimed at eliminating the gap between the treatment of women and men in the public and private sectors. The Committee further recommends that the Government examine the gap between the female and male working forces, particularly in the context of part-time work.

35. The Committee recommends that concrete measures be taken to implement fully the conclusions of The Hague Declaration, which are in the spirit of article 6 of the Convention.

36. In relation to the removal of the stereotyped attitudes and perceptions of the role of women in society and to raise the awareness of men of their family responsibilities, the Committee suggests that educational programmes in schools be reoriented in accordance with article 5 of the Convention.

37. In the field of violence against women, the Committee recalls its general recommendation No. 19, on violence, and suggests that the Ministry take all appropriate measures, including the legislation, to combat the sexual abuse of

women, in particular within the family, so as to ensure effective protection of women against domestic and other forms of violence.

38. The Committee emphasizes the need for the adoption of effective measures to prevent abortion and for a review of the social insurance benefits system so as to allow women to have access to free contraceptive methods.

39. The Committee also recommends that an analysis of women's health needs be undertaken and that awareness-raising campaigns on mammography continue in order to ensure that more women make use of this service.

40. The Committee recommends that legislative steps be taken to remove outdated laws that restrict women's right to remarry after divorce, as well as those that classify children as "legitimate/natural" or "illegitimate", a distinction that is neither in the spirit of the present Convention nor of the Convention on the Rights of the Child to which Luxembourg is also a State party.

41. The Committee also recommends that the action plan include provisions for the better integration of refugee and migrant women into the social and economic life of Luxembourg.

42. The Committee encourages the State party to pursue and develop further its policy of disseminating information and increasing awareness of the Convention. It also recommends the integration of the provisions of the Convention and women's rights into the training curricula of professional groups, such as teachers, law enforcement and correctional officers, judges, social workers and health personnel, who deal with women.

43. The Committee requests the Government, when preparing its third report, to take into account the Committee's general recommendations, the present concluding comments and the issues addressed during the constructive dialogue with the Committee at its seventeenth session. The report should, in particular, include detailed information on the extent to which each right protected under the Convention is enjoyed in practice and should refer to specific factors and difficulties that might impede the application of the Convention. The Committee also requested the Government to include in its next report statistical data disaggregated by sex.

44. The Committee also requests the wide dissemination in Luxembourg of the present concluding comments so as to make individuals aware of the steps that had been taken to ensure de facto equality for women and the further steps that are required in this regard.
